

KEVIN V. RYAN (CSBN 118321)
 United States Attorney
 EUMI L. CHOI (WVBN 0722)
 Chief, Criminal Division
 MARK L. KROTOSKI (CSBN 138549)
 Assistant United States Attorney
 150 Almaden Boulevard, Suite 900
 San Jose, California 95113
 Telephone: (408) 535-5035
 Facsimile: (408) 535-5066

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION

E-FILED - 3/9/06

UNITED STATES OF AMERICA,)	No. CR 06-00054-RMW
Plaintiff,)	
v.)	STIPULATION REGARDING
)	EXCLUDABLE TIME AND
)	ORDER
JOSE SOLER,)	
a/k/a antboogie,)	
a/k/a Jas125,)	
Defendant.)	

It is hereby stipulated and agreed between defendant Jose Soler, and his counsel N.A. Christensen, Jr., and the United States as follows:

This matter was set for a status conference on March 13, 2006 at 9:00 a.m. In this copyright infringement case, the defense needs more time to prepare, review discovery previously provided, including a substantial amount of digital evidence, and research legal and sentencing issues. The parties have been discussing plea and sentencing issues. The defendant was only recently arraigned on this case on February 22, 2006. It is reasonable for the defense to have additional time to review the discovery, which includes some digital evidence.

1 The parties stipulate and move the Court to exclude time under the Speedy Trial Act from the
2 March 13, 2006, until April 10, 2006, because the parties believe that the ends of justice served
3 by the granting of such a continuance outweigh the best interests of the public and the defendant
4 in a speedy trial, particularly since reasonable time is needed for the defense to prepare for
5 pretrial and trial matters, pursuant to 18 U.S.C. §§ 3161(h)(8)(A), 3161(h)(8)(B)(ii). The parties
6 further stipulate that time may be excluded for reasonable time for defense
7 preparation, since the failure to exclude time would deny counsel for the defendant reasonable
8 time necessary for effective preparation, taking into account the exercise of due diligence,
9 pursuant to 18 U.S.C. §§ 3161(h)(8)(A), 3161(h)(8)(B)(iv).

10 So stipulated.

11 Dated: March 2, 2006

KEVIN V. RYAN
United States Attorney

/S/

13
14 MARK L. KROTOSKI
Assistant United States Attorney

15 So stipulated.

16 Dated: March 2, 2006

/S/

17
18 N.A. Christensen, Jr.
Attorney for Defendant Soler

ORDER

Based upon the foregoing Stipulation and good cause appearing therefor,

IT IS HEREBY ORDERED that the status conference set for March 13, 2006 at 9:00 a.m. for defendant Soler shall be continued to April 10, 2006 at 9:00 a.m.

IT IS FURTHER ORDERED that the time between March 13, 2006, until April 13, 2006 shall be excluded from the computation period within which the trial must commence, for the reasons and based upon the statutory provisions set forth by the parties in this Stipulation, including that time is needed for effective defense preparation.. The Court finds that the ends of justice outweigh the interests of the public and the parties in a speedier trial under 18 U.S.C. §§ 3161(h)(8)(A), 3161(h)(8)(B)(ii) (complexity), 3161(h)(8)(B)(iv) (reasonable time necessary for effective preparation taking into account the exercise of due diligence).

DATED: March 9, 2006

/S/ RONALD M. WHYTE
RONALD M. WHYTE
United States District Judge